

# ARIZONA PRESERVE INITIATIVE (API)

## PROCESSING STEPS:

Accompanied by a \$1000 bond, a petition is made by a qualifying entity asking the State Land Commissioner to nominate a parcel of State Trust land for reclassification as "suitable for conservation."

The parcel is checked for eligibility for designations conservation land under the Arizona Preserve Initiative (API), and the Commissioner may issue an order designating the Trust land as being "under consideration for classification as suitable for conservation purposes." If the land is outside Maricopa or Pima Counties, by an executive order, the President of the Senate, Speaker of the House and legislators in the district in which the parcel lies are notified of the petition, and no action can be taken until the following April 30.

To further process the petition, the Commissioner by law shall:

1. Mail the notice of intent ("the notice") to classify lands as Trust lands suitable for conservation purposes and notice of public hearing to existing lessees, local planning authorities, the appropriate regional planning authorities, and owners of private land that consists of forty or more acres and that is located within three hundred feet of the trust land.
2. Within thirty days after giving the notice:
  - a. Publish the notice stating a date, time and place of public hearing for six publications in a newspaper of general circulation in the county in which the designated lands are located.
  - b. Mail the notice to any person who has requested notice of any proposed classification for conservation purposes.
  - c. Mail the notice to the Arizona Game and Fish Department, the Arizona Department of Agriculture, the Arizona State Parks Board, the Arizona Department of Transportation and any other affected state agency.
3. Within sixty days after the last date of publication of the notice, conduct a public hearing in a location as close as conveniently possible to the Trust land to receive and record oral and written testimony concerning the proposed classification.
4. Determine whether reclassification is in the best interest of the Trust by:
  - a. Consulting with the governing body of each city or town in which the land proposed for reclassification is located or to which the land is contiguous, the county board of supervisors of each county in which the land is located if the land is not located within the boundaries of a city or town, and the local planning and zoning authorities, including the affected regional planning authorities.
  - b. Considering recommendations of the Conservation Advisory Committee.
  - c. Considering all evidence and testimony submitted at the public hearing.
  - d. Considering the physical and economic impacts that the reclassification would have on other lands owned or controlled by the current lessee and the physical and economic impacts on the local community.
  - e. Considering the existence of any holding lease on the lands.
  - f. Considering the existence of any planning permit issued under the Urban Lands Act by the Commissioner for the lands.
  - g. Considering the amount of progress on any development plans being completed under the Urban Lands Act by the Commissioner for the lands.
  - h. Evaluating the mineral potential of the land.
  - i. Considering any other factors which, under the Enabling Act, Constitution, statutes or legal precedent are relevant to the decision.
5. Make a written determination whether the reclassification of the proposed lands is or is not in the best interest of the Trust and issue an order either reclassifying, reclassifying in part or denying reclassification on the parcel accordingly. A person who is adversely affected by the decision may appeal the decision to the Board of Appeals pursuant to A.R.S. § 37-215. (Rev. 2/02)

